

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1-33 are pending in the application, with 1, 19, 20, and 26 being the independent claims. No claims are sought to be cancelled. No new claims are sought to be added. Claim 28 is sought to be amended to correct a typographical error. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding rejections and that they be withdrawn.

Rejections under 35 U.S.C. § 103

Claims 26-27 have been rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,490,727 ("Nazarathy Patent") in view of U.S. Patent Application No. 2002/0131413 ("Tsao Patent Application"). Applicants respectfully traverse.

The Examiner acknowledges that the Nazarathy Patent does not disclose the element of claim 26 of "a classifier for detecting an identifier from the burst, wherein said identifier is matched to a priority indicator." The Examiner contends that the Tsau Patent Application discloses this element. Applicants respectfully disagree with the Examiner's contention.

The Tsao Patent Application includes a two-step process for queuing packets. In a first step, the Tsao Patent Application discloses an approach for classifying

packets into queues based on their particular flow. Tsao Patent Application at ¶0026.

The Examiner quotes this paragraph in support of the Examiner's view that the Tsao Patent Application discloses the element of claim 26 of a classifier for detecting an identifier from the burst, wherein said identifier is matched to a priority indicator. In this first queuing step, the Tsao Patent Application places packets into flow queues 112₁-112_n. *Id.*

In the second queuing step, the Tsao Patent Application discloses that classifier sub-module 114 retrieves packets from each non-empty flow queue, i.e., flow queues 112₁-112_n, within packet server arrival module 106, determines a priority for each packet, and places each packet in an appropriate priority queue. *Id.* at ¶28. Furthermore, the Tsao Patent Application discloses that PKT_Pass decides to which class j a packet belongs and places the packet into the corresponding priority queue from its flow queue. *Id.* at 30. PKT_Pass includes a calculation to determine the class j priority of a packet. *Id.*

The Applicants respectfully submit that the Tsao Patent Application in combination with the Nazarathy Patent does not suggest or disclose the element of claim 26 of "a classifier for detecting an identifier from the burst, wherein said identifier is matched to a priority indicator." ("Detecting Element") As described above, the Tsao Patent Application discloses a system implementing a two step process for classifying packets based on priority. By contrast, the Detecting Element of claim 26 describes a single step process. Furthermore, the Tsao Patent Application discloses a process for classifying packets based on priority by performing a

calculation. By contrast, the Detecting Element of claim 26 classifies packets by matching an identifier within a packet to a priority indicator.

Thus, rather than disclose the Detecting Element, the Tsao Patent Application discloses a very different and conflicting approach to classifying incoming packets. For at least these reasons, claim 26 is patentable over the combination of the Nazarathy Patent and the Tsao Patent Application. Reconsideration and allowance of claim 26 is respectfully requested.

Because each dependent claim incorporates all of the elements of the independent claim from which it depends, as well as additional features, the above arguments made with respect to independent claim 26 apply *a fortiori* to claim 27. For at least this reason, dependent claim 27 is also patentable. Reconsideration and allowance of claim 27 is respectfully requested.

Claims 27-33 have been rejected under 35 U.S.C. 103(a) as being unpatentable over the Nazarathy Patent in view of the Tsau Patent Application and further in view of U.S. Patent 6,108,307 ("McConnell Patent").

Because each dependent claim incorporates all of the elements of the independent claim from which it depends, as well as additional features, the above arguments made with respect to independent claim 26 apply *a fortiori* to claim 28-33. Furthermore, the McConnell Patent does not disclose the Detecting Element of claim 26, but rather teaches a conflicting priority queuing approach. Specifically, the McConnell Patent determines priority levels for packets based on the network connection. McConnell Patent at abstract. For at least these reasons, dependent

claims 28-33 are also patentable. Reconsideration and allowance of claims 28-33 is respectfully requested.

The Examiner notes that claims 1-25 are method claims corresponding to system claims 26-33. The Examiner indicates that claims 1-25 are analyzed and rejected as previously discussed with respect to claims 26-33. Applicants respectfully traverse.

Independent claim 1 includes an element of "matching said identifier to a priority indicator to determine the priority classification." Independent claim 19 includes an element of "matching said identifier to a priority indicator, said matching being implemented prior to protocol processing the burst." Independent claim 20 includes an element of matching said identifier from each burst to a priority indicator, wherein said priority indicator represents one of two or more available priority levels." The arguments presented above relative to the "Detecting Element" apply to each of these elements. Thus, for at least the reasons described above with respect to claim 26, claims 1, 19 and 20 are allowable over the combination of the Nazarathy Patent, the Tsao Patent Application and the McConnell Patent. Reconsideration and allowance of claims 1, 19, and 20 is respectfully requested.

Because each dependent claim incorporates all of the elements of the independent claim from which it depends, as well as additional features, the above arguments made with respect to independent claims 1, 19, and 20 apply a fortiori to claims 2-18 and 21-25. For at least this reason, dependent claims 2-18 and 21-25 are

also patentable. Reconsideration and allowance of claims 2-18 and 21-25 is respectfully requested.

Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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